

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 11-17 and 21-22. Claims 11 and 14 have been amended. Claims 21 and 22 have been added.

The Examiner objected to the disclosure because the patent number of the parent case has not been provided. In response, the Applicant has amended the first sentence to reference the patent number of the parent case.

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84 because they do not include the reference numbers 14 and 111. In response, the Applicant has amended paragraph 0014 to indicate that the mouse is not shown in the drawing. FIG. 2 has been amended to remove the reference number 14. Neither the specification nor the drawings show any reference to number 111. No action has been taken on amending the drawings for the reference number 111 cited by the Examiner.

The Examiner objected to claim 14 because of informalities. In response, the Applicant has amended claim 14 to correct the informalities.

The Examiner rejected claims 3-5, 7, 8, and 11-20 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In response, claims 1-10 have been canceled. In regards to claims 11 and 20, the Examiner stated that it is unclear whether or not the partition, monitor and environments are to be claimed. In response, the Applicant has amended claim 11 to positively claim the partition and monitor. In addition, claim 11 has been amended to avoid positively claiming

the environments. Claim 20 has been canceled. In regards to claim 16, the Examiner stated that "the retaining strap" lacks antecedent basis. The Applicant has amended claim 16 to correct this informality.

The Examiner rejected claims 1-20 on the ground of nonstatutory obviousness-type double patenting. In response, the Applicant is submitting a terminal disclaimer.

The Examiner rejected claims 1-3 and 5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,825,613 to Holden (Holden). In response, the Applicant has canceled claims 1-3 and 5.

The Examiner rejected claims 1-4 and 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,328,145 to Charapich (Charapich). In response, the Applicant has canceled claims 1-4 and 10.

The Examiner rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,961,192 to Bernart et al. (Bernart) in view of U.S. Patent No. 6,012,694 to Sullivan, III (Sullivan) and Charapich. The Examiner stated Bernart teaches a station having a partition with an aperture. The Examiner stated that Bernart fails to teach an adjustable strap means for retaining the computer against the partition and support pads. The Examiner stated that Sullivan teaches an adjustable strap means for retaining a computer. In addition, the Examiner stated that Charapich teaches removably mounted and positioning pads between a partition and a computer. The Examiner stated that it would have been obvious to place pads, such as is taught by Charapich, anywhere around the computer of Bernart to provide a seal between the computer and partition and to help maintain the positioning of the computer with respect to the partition.

In response, the Applicant respectfully disagrees. Bernart discloses a mobile computer work station for a personal computer. The work station does not provide an effective barrier against a harsh environment as the present invention. The work station of Bernart merely provides security against unauthorized tampering of the computer. The barrier provides a physical barrier but would not be useable in a harsh environment. Sullivan discloses a monitor suspension method and apparatus which utilized a belt to retain the monitor against a horizontally aligned desk. The monitor disclosed in Sullivan is supported completely by the belt. Sullivan provides a work surface area rather than a barrier that protects a computer from a harsh environment. Charapich discloses a mounting board for a video display screen housing. Reference 70 disclosed in Charapich does not disclose supports but rather stabilizers. The stabilizers 70 extend between a rear face of the barrier and is utilized to stability the planar sheet relative to the video display screen. The stabilizers do not provide any support of the video monitor since the stabilizers are located adjacent and not below the bottom portion of the monitor.

On the other hand, the Applicant invention is an operator interface terminal (OIT) which provides protection of computer components (e.g., monitor and computer) from a harsh environment. None of the references are utilized in a harsh environment. The barrier of Bernart is merely utilized to provided security and not as a barrier against a harsh environment. The barrier of Sullivan is merely used as a work area and not as a barrier against a harsh environment. In Charapich, the barrier is merely used to mount information on a mounting board and is not to be used as a barrier against a harsh environment. None of the combined references provide all of the structure claimed by the Applicant's claimed invention. In particular, none of the references teach or suggest an OIT

providing protection against a harsh environment. Since the cited references are used for a different purpose, it would not be obvious to modify these cited references for a harsh environment. Additionally, the stabilizers 70 of Charapich are not structurally or functionally perform the function of supporting the monitor.

For prior art references to be combined to render obvious a subsequent invention under Section 103, there must be something in the prior art as a whole which suggests the desirability, and thus the obviousness, of making the combination. *Unroyal v. Rudkin-Wiley*, 5 U.S.P.Q.2d 1434, 1438 (Fed. Cir. 1988). The teachings of the references can be combined only if there is some suggestion or incentive in the prior art to do so. *In re Fine*, 5 U.S.P.Q.2d at 1599. Hindsight is strictly forbidden. It is impermissible to use the claims as a framework from which to pick and choose among individual references to recreate the claimed invention. *Id.* At 1600; *W.L. Gore*, 220 U.S.P.Q. at 312. Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

Therefore, the withdrawal of the rejection and the allowance of claims 11-17 is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 11-17 and 21-22.

Respectfully submitted,



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